



California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 8432

June 12, 2007

Mr. Craig Perkins, Director
City of Santa Monica
Department of Environmental and Public Works Management
1685 Main Street
Santa Monica, California 90401-3205

Dear Mr. Perkins:

The California Environmental Protection Agency (Cal/EPA), Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of the City of Santa Monica Environmental Programs Division Certified Unified Program Agency (CUPA) on May 8 and 9, 2007. The evaluation was comprised of an in-office program review and field oversight inspections. The State evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, with preliminary corrective actions and timeframes, program observations and recommendations, and examples of outstanding program implementation.

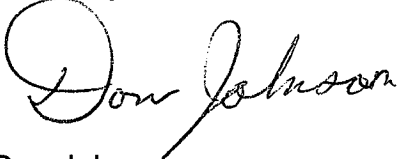
The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that City of Santa Monica Environmental Program Division's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agencies progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Jennifer Lorenzo every 90 days after the evaluation date. The first deficiency progress report is due on August 7, 2007.

Cal/EPA also noted during this evaluation that the City of Santa Monica Environmental Program Division has worked to bring about a number of local program innovations, including their administrative citation process and sustainable city program. In addition, the CUPA issues comprehensive annual update packages to its regulated business community. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,



Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Mr. Dean Kubani
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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION AMENDED SUMMARY OF FINDINGS

CUPA: CITY OF SANTA MONICA ENVIRONMENTAL PROGRAMS DIVISION

Evaluation Date: May 8 and 9, 2007

EVALUATION TEAM

Cal/EPA: Jennifer Lorenzo
DTSC: Mickey Pierce
SWRCB: Sean Farrow

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Jennifer Lorenzo at (916) 327-9560.

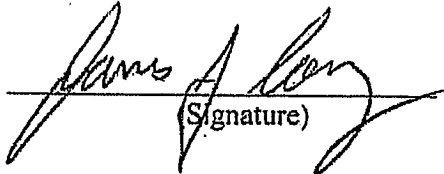
	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>The CUPA is not adequately evaluating the Los Angeles County Fire Department Participating Agency (PA). The information provided by the PA in the Annual Inspection and Enforcement Summary Reports was inconsistent with the findings of the file review, and did not reflect the true number of each type of violation classification found during inspection activities. In addition, the CUPA is not assessing the accuracy of the data reported by the PA.</p> <p>CCR, Title 27, Sections 15180(a)(8)(C) and 15280(b) (Cal/EPA & DTSC)</p>	<p>By July 7, 2007, the CUPA and the PA will meet and agree on the methods to be used to ensure that the data provided by the PA are reflective of the PA's activities and findings. By August 7, 2007, the CUPA will submit a status of their progress with the PA. Additionally, before submittal of the Fiscal Year (FY) 2006-2007 Annual Summary Reports, the CUPA will ensure the accuracy of the data reported.</p>
2	<p>The CUPA is not implementing a single Unified Inspection and Enforcement (I&E) Program that reflects their actual inspection and enforcement activities. For example, the I&E Plan does not adequately reflect the PA's inspection and enforcement processes, including the inspection frequency. In addition, the I&E Plan does not incorporate their administrative citation process, which is adopted under the Santa Monica City Municipal Code.</p> <p>CCR, Title 27, Section 15200(a) (Cal/EPA)</p>	<p>By August 7, 2007, the CUPA will ensure that their I&E Plan is updated to incorporate their administrative citation process and the inspection and enforcement activities of the PA.</p>

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3	<p>The CUPA is not ensuring that the PA is adequately regulating all facilities in its jurisdiction. During a review of the PA's facility files, 17 of approximately 120 files reviewed showed that not all hazardous waste generator facilities have been inspected within the last three years.</p> <p>CCR, Title 27, Section 15200(b)(1) and (2) (DTSC)</p>	<p>By July 7, 2007, the CUPA and the PA will meet and agree on the methods to be used to ensure that all regulated hazardous waste facilities in the CUPA's jurisdiction are inspected at least once every three years. The PA will achieve their inspection frequency for the hazardous waste generator facilities. Beginning August 7, 2007, the CUPA will submit a status of the PA's progress that includes the number of facilities inspected.</p>
4	<p>The CUPA has not met the mandated inspection frequency for underground storage tank (UST) facility compliance for FY 03/04 and FY 04/05. In FY 03/04, the CUPA completed UST compliance inspections for only 85% of the regulated UST facilities. In FY 04/05, the CUPA inspected 73% of their regulated UST facilities. However, in FY 05/06, the CUPA significantly increased their inspection frequency to 98%.</p> <p>HISC, Chap. 6.7, Section 25288 (SWRCB)</p>	<p>On an annual basis, the CUPA will ensure that all facilities have been inspected. Beginning August 7, 2007, the CUPA will submit a status of their progress, including the number of facilities inspected.</p>

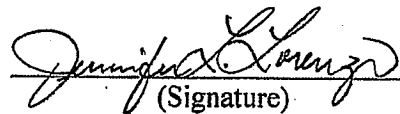
CUPA Representative

James Conway
(Print Name)


(Signature)

Evaluation Team Leader

JENNIFER L. LORENZO
(Print Name)


(Signature)

Certified Unified Program Agency (CUPA)
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PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** The CUPA has a single fee collection rate of approximately 99.5%, 94.2%, and 91.9% for the last three fiscal years.

Recommendation: The CUPA is able to collect its fees at a high rate and is encouraged to continue to do so.

2. **Observation:** At the time of the City of Santa Monica's CUPA certification, the focus group, which comprised of representatives of the regulated business community, expressed preference against combined, joint and multi-media inspections. Therefore, inspections for various program elements have been kept separate from one another. However, the CUPA has made great progress in coordinating inspections with the UST inspector and hazardous materials fire inspector for UST installation inspections and approvals.
3. **Observation:** The CUPA has an inspection cycle for UST facilities. This cycle runs from May through August of each year, which the CUPA coordinates with the monitoring certification cycle. The CUPA extends the inspection cycle later into the year if facilities require an extension.
4. **Observation:** The UST Inspection checklist does not identify Significant Operational Compliance (SOC) items or provide for a summary of these items for tracking purposes.

Recommendation: Provide a means for determining SOC compliance during the inspection and also a means for tracking the compliance in order to provide the data for Report 6.

5. **Observation:** Facility files were located in three separate locations, depending on the department overseeing the CUPA's program element. The UST files were at the Santa Monica City Environmental Programs Division office, business plan files at Santa Monica Fire Department, and the generator files at the PA's Culver City office. All files reviewed were well-organized.

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA actively uses the administrative citation process as an enforcement tool to bring facilities back into compliance. Each year, the CUPA makes a concerted effort to issue permits at the beginning of the fiscal year, but only after administrative requirements have been met. These administrative requirements include single fee invoice payment, chemical inventory updates, and annual certification of electronic monitoring equipment for UST systems. The CUPA staff identified a pattern of these administrative violations. In such cases, permits were withheld from non-compliant facilities until administrative requirements were met. For facilities that remained in violation and continued to operate without a valid permit, the CUPA referred these facilities to the City Attorney's office.

The City and County are also working together to enforce the placement of liens on businesses who do not pay their invoices in a timely manner.

2. The CUPA maintains great relationship and communication with other CUPAs within the County through quarterly meetings. The Senior Environmental Analyst served as chair of the Los Angeles County CUPA Coordinating Committee (LAC4) in 2006. The LAC4 meetings are used by the CUPA to exchange information and coordinate their programs with other CUPAs within the County. The CUPA is also actively involved in the LEPC, CUPA Forum, and the UST Technical Advisory Group for the Southern California CUPA Forum.
3. The CUPA is able to capture and regulate new businesses through excellent coordination with other Santa Monica City departments, including the Business Licensing Division. New businesses required to be regulated by the CUPA is given a consolidated permit application package. New businesses may also access the CUPA's on-line notification form and request for a new business packet. After screening the business, City staff determines whether or not the applicant needs to complete the new business packet. The CUPA may also email the new business packet to the applicant. The City is able to track business activities throughout the year by using a notes field in its PAL database system. These notes are used for communication between or among individual program coordinators with access to the database. This database system has proved to be very useful to the CUPA, especially when issuing permits and invoices.
4. The CUPA issues a comprehensive annual update package to each existing facilities. The following forms are included in the package:
 - Facility Information
 - Activities Declaration
 - Certification Statement for Chemical Inventory (Business Plan Facilities)
 - Certification Statement for Consolidated Contingency Plan
 - UST Facility Information
 - UST System Information
 - Electronic Monitoring Certification (UST Facilities)

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This package must be returned to the City by September 1st of each fiscal year. Additionally, the CUPA provides a pre-inspection packet for their UST facilities at the beginning of April. The title page reminds the facility to schedule inspections and certifications, includes ways that enforcement actions can be prevented, and also contains compliance requirements. The pre-inspection packet contains enclosures for the following:

- Annual Underground Storage Tank Inspection Report
- Flyer: Avoid Enforcement Action
- Monitoring System Certification (annual monitoring system certification requirements, designated operator requirements, financial responsibility requirements)
- Frequently Asked Questions

5. The CUPA's staff within the City of Santa Monica's Environmental Programs Division and Fire Department maintains exceptional coordination and communication with each other. The CUPA also annually develops a comprehensive administrative calendar, which is viewable by all CUPA staff, incorporating important programs and events, including invoice reminders, annual update issuance, and permit renewals.
6. The CUPA maintains great communication with its regulated business community and is service-oriented. For example, the CUPA offers, one day per week, an early morning (6 A.M.) facility inspection for those who wish to have their USTs inspected prior to the daily rush of sales. The CUPA staff also conducted an informal telephone survey with businesses to obtain their perspective on the compliance checklist. The business owners found the checklist to be very useful. Additionally, the CUPA will continue to send the customer satisfaction survey along with the annual update package to the facilities.

The CUPA also has an outstanding system of single fee invoicing and annual reminders to the business community. Annually, all active facilities receive an invoice, a billing reminder notice, an invoice final notice, an annual update package, an annual update package reminder notice, and a referral letter to the City Attorney's office if non-compliant.

7. The CUPA maintains a very informative Unified Program website. For the business community, the CUPA offers a synopsis on all Unified Program elements, overview of hazardous materials including storage and handling, list of hazardous waste disposal centers and information on alternative products that are "less toxic," CUPA permit application packages, and multiple links to other related fields. For the residential community, the CUPA also offers multitude of environmental education, such as household hazardous materials and wastes, and other pertinent information and internet links. The CUPA also has a concise billing information section including payment options, single fee due date, and late/partial/no-payment information.
8. The City of Santa Monica is very proactive in promoting sustainability through its adoption of a comprehensive sustainable city program, which includes the Leadership in Energy and Environmental Design (LEED) Program (green building program).

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9. The CUPA's Hazardous Materials Release Response Plan and Inventory (HMRRP) program has been remarkably managed by the Santa Monica City Fire Department's Hazardous Materials Unit. The Hazardous Materials Unit, which is staffed by a Senior Fire Inspector, has been dedicated to overseeing the HMRRP, CalARP, and AST programs. In addition to his CUPA duties, the Senior Fire Inspector: (1) offers general hazardous materials business plan (HMBP) training to the Fire Suppression & Rescue Team in the event that the facilities they inspect require HMBPs; (2) conducts general hazardous materials training to their hazmat team; and (3) is a member of the Emergency Response Team.

The Hazardous Materials Unit, in coordination with Santa Monica City Environmental Programs Division administration staff, also maintains an excellent business plan process that keeps business plans and inventories current. The Senior Fire Inspector has notably upheld the CUPA's annual inspections of their business plan facilities, exceeding the state's minimum triennial inspection frequency requirement.

Additionally, the Senior Fire Inspector also manages the federal grant and equipment acquisition for the hazmat team. As such, the hazmat team now has a state-of-the-art hazmat rig for the City of Santa Monica. The hazmat rig is equipped with modern technology, including "Santa Monica E911," a GIS-based program accessible only by the fire department and includes the entire City's pre-fire plan, water system, and storm drains. Information available from Santa Monica E911 also includes up-to-date chemical inventory information for all business plan facilities within the City. Pending data to be incorporated into this program are the City of Santa Monica's remediation sites.